

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

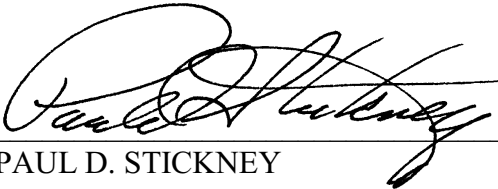
<b>JASON NIEMAN,</b>	§	
<b>Plaintiff,</b>	§	
<b>v.</b>	§	<b>No. 3:14-CV-3897-M (BF)</b>
<b>MICHAEL MILAM, et al.,</b>	§	
<b>Defendants.</b>	§	

**REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

This case has been referred to the United States Magistrate Judge for pretrial management. On January 9, 2015, the plaintiff Jason Nieman filed his Amended Complaint against defendants John Quinn, Christopher Madden, John Gregory Fitz, John Warner, W. Gary Reed, and John Does 1-4, along with a number of other defendants with respect to whom plaintiff's claims against them have since been dismissed. Am. Compl. 1 & 21-23, ECF No. 16. Because the case docket did not reflect that all of the defendants have been served as of December 4, 2015, the undersigned gave notice to the plaintiff that a recommendation will be made to the District Court to dismiss this action without prejudice as to any defendant who does not appear on the case docket as having been served by December 30, 2015. *See* Order, ECF No. 180; FED. R. CIV. P. 4(m) ("If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period."). As of the date of this Report and Recommendation, the case docket does not reflect that defendants John Quinn, Christopher Madden, John Gregory Fitz, John Warner, W. Gary Reed, and John Does 1-4 have been served, nor has Plaintiff shown good cause for this failure. Therefore, the undersigned respectfully recommends that

the District Court **dismiss without prejudice** Plaintiff's claims against defendants John Quinn, Christopher Madden, John Gregory Fitz, John Warner, W. Gary Reed, and John Does 1-4.

**SO RECOMMENDED**, this 3<sup>rd</sup> day of November, 2017.



PAUL D. STICKNEY  
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND**  
**NOTICE OF RIGHT TO APPEAL/OBJECT**

The United States District Clerk shall serve a true copy of these findings, conclusions, and recommendation on the parties. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these findings, conclusions, and recommendation must serve and file written objections within fourteen days after service of the findings, conclusions, and recommendation. A party filing objections must specifically identify those findings, conclusions, or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory, or general objections. A party's failure to file such written objections to these proposed findings, conclusions, and recommendation shall bar that party from a *de novo* determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Additionally, any failure to file written objections to the proposed findings, conclusions, and recommendation within fourteen days after service shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).